

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 SAN ANTONIO DIVISION

4 UNITED STATES OF AMERICA, § CRIMINAL NO. 5:20-488-OLG

5 §

6 v. § July 1, 2022

7 §

8 KRISTOPHER SEAN MATTHEWS, §

9 §

10 DEFENDANT. §

11 TRANSCRIPT OF SENTENCING

12 BEFORE THE HONORABLE ORLANDO L. GARCIA

13 CHIEF DISTRICT COURT JUDGE

14 APPEARANCES:

15 For the Government: MARK ROOMBERG, AUSA
16 BILL HARRIS, AUSA
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transcription

1 (In open court.)

2 THE COURT SECURITY OFFICER: All rise.

3 THE COURT: Okay. You may be seated. Thank you. We
4 will have announcements today. We'll begin with -- okay.

5 U.S. versus Christopher Sean Matthews.

6 MR. ROOMBERG: Good morning, Your Honor. Mark
7 Roomberg and Bill Harris for the United States.

8 THE COURT: Mr. Harris.

9 MR. HARRIS: Good morning, Your Honor.

10 THE COURT: And who is the young lady to your left?

11 MR. ROOMBERG: This is special agent Shannon. She is
12 the case agent.

13 THE COURT: Okay. Thank you.

14 MS. SHANNON: Good morning, Your Honor.

15 THE COURT: Good morning.

16 MR. WOLF: Warren Wolf for Mr. Matthews. May I
17 approach, Your Honor?

18 THE COURT: May you what?

19 MR. WOLF: Approach.

20 THE COURT: Okay. It's kind of early for that. But
21 sure. Come on down.

22 (At sidebar.)

23 MR. WOLF: Good morning.

24 THE COURT: Who are those people back there?

25 MR. ROOMBERG: I think they're law clerks.

1 THE COURT: What do you have?

2 MR. WOLF: Judge, due to the sensitive nature --

3 THE COURT: The what?

4 MR. WOLF: Due to the sensitive nature of my argument
5 in this case.

6 THE COURT: Due to what?

7 MR. WOLF: Sorry.

8 THE COURT: I'm sorry. Go ahead.

9 MR. WOLF: Due to the sensitive nature of my
10 arguments in this case, Mr. Matthews cooperation, I would
11 prefer that he either go second. And he would be alone in the
12 courtroom or that his co-defendant.

13 THE COURT: That's why I asked.

14 MR. WOLF: I had mentioned this to Ms. Urrutia, and
15 she said to bring it.

16 THE COURT: To the government.

17 MR. WOLF: No, to your courtroom deputy.

18 THE COURT: Okay. Courtroom deputy. Okay.

19 MR. WOLF: She said to bring it to your attention.

20 THE COURT: You don't want to say -- well, I know.
21 You already told me. So I will say: Do you have anything,
22 other than what we have discussed? So you don't need to tell
23 me he cooperated.

24 MR. WOLF: That's true.

25 THE COURT: Right.

1 MR. WOLF: You already have that in my memo.

2 THE COURT: I have that information.

3 MR. WOLF: Yes.

4 MR. ROOMBERG: Your Honor, we don't see a need to
5 separate it. If there would be any other thing that could be
6 discussed in detail, we would come up to the bench as always.

7 THE COURT: M-hm.

8 MR. ROOMBERG: And in this case, the fact that -- as
9 it stands now, Mr. Matthews has been cooperating, but we're not
10 giving K -- he's not done cooperating. And until he's finished
11 and he's fulfilled his --

12 THE COURT: You'll give him a Rule 35.

13 MR. ROOMBERG: -- we'll give him a Rule 35 down the
14 road. But right now we're asking for the guidelines so.

15 THE COURT: Okay. Do you understand that?

16 MR. WOLF: Yes.

17 THE COURT: Okay. All right. Let's go.

18 (End of sidebar.)

19 THE COURT: Christopher Sean Matthews. Cause Number
20 20-CR-488. Let me ask you, Mr. Matthews, have you had an
21 opportunity to review the presentence report prepared in your
22 case?

23 DEFENDANT MATTHEWS: To be honest, Your Honor, I
24 really don't --

25 THE COURT: I can't hear you.

1 DEFENDANT MATTHEWS: -- I really don't understand.

2 THE COURT: Fine. Take your mask off.

3 DEFENDANT MATTHEWS: Yes, sir.

4 THE COURT: You honestly don't what?

5 DEFENDANT MATTHEWS: You said the presentence report.

6 THE COURT: This is a document like this that I now
7 hold in my right hand. Have you reviewed this report with your
8 lawyer?

9 DEFENDANT MATTHEWS: Okay. Yes, sir. Okay.

10 THE COURT: Okay. So you understand the report?

11 DEFENDANT MATTHEWS: Yes, sir.

12 THE COURT: And you reviewed it with your lawyer?

13 DEFENDANT MATTHEWS: Yes, sir.

14 THE COURT: And you understand the contents of the
15 report?

16 DEFENDANT MATTHEWS: Yes, sir.

17 THE COURT: Do you have any questions about the
18 report?

19 DEFENDANT MATTHEWS: No, sir.

20 THE COURT: Is that a yes or a no?

21 DEFENDANT MATTHEWS: No, sir.

22 THE COURT: You have no questions?

23 DEFENDANT MATTHEWS: No, sir.

24 THE COURT: Okay. Good. There being no objections,
25 the applicable guidelines are offense level 42, criminal

1 history six, capped -- guidelines is capped at 240 months,
2 which is 20 years.

3 Supervised release one to three years.

4 There will be no fine, as recommended by the
5 probation department.

6 And there's a 100-dollar special assessment due
7 immediately.

8 What says -- hold on a second. Okay. What says the
9 government by way of allocution?

10 MR. ROOMBERG: Your Honor, the guidelines actually
11 for the defendant are 360 to life.

12 THE COURT: M-hm.

13 MR. ROOMBERG: Because he took an early plea, he's
14 capped at 240.

15 THE COURT: Right.

16 MR. ROOMBERG: We believe that at this time 240
17 months is the appropriate sentence.

18 THE COURT: And can you tell me the particular
19 reasons they should be capped -- not capped. But why it should
20 be 20 years.

21 MR. ROOMBERG: Your Honor, this is a case providing
22 material support to ISIS. In regard to both the defendants,
23 but I'll specify with Mr. Matthews, they sought to have a chat
24 room where they recruited other individuals to the ISIS cause.
25 ISIS is a designated foreign terrorist organization. And not

1 only did they try to recruit other people, they discussed
2 different attack plans that they wanted to do. They also
3 distributed bomb-making instructions. And in fact at one point
4 Mr. Matthews got a request from an individual in France that
5 was someone else who was tied to, who we believe was tied to
6 ISIS. And he asked Mr. Molina to have Mr. Molina send Mr.
7 Matthews the bomb-making instructions. And Mr. Mr. Matthews
8 sent these bomb-making instructions to France believing they
9 would be used for an attack.

10 THE COURT: M-hm.

11 MR. ROOMBERG: Because of that --

12 THE COURT: Were these specific particular plans
13 already in motion or was everything just thought about and
14 purchasing a few things?

15 MR. ROOMBERG: It was discussed. And bomb-making
16 instructions were passed around between each other and with
17 other members of the group.

18 THE COURT: Okay.

19 MR. ROOMBERG: So those steps were taken. And
20 because of that, the terms of an enhancement, because this is
21 2339(b) and the terms of an enhancement under 3A1 -- or 3A4.1
22 is applicable, that's why the guidelines are so high. It
23 automatically jumps to a criminal history category six. And
24 a -- I believe when you have all the enhancements and the
25 leadership organizer, he was above a level 43.

1 THE COURT: Okay.

2 MR. ROOMBERG: So he went past the guidelines. When
3 the guidelines are factored in with the statutory maximum,
4 that's how we get down from 360 to life down to 240. We
5 believe at this point in time that's the applicable sentence.

6 THE COURT: When did the federal agents decide it was
7 time -- what led them to decide, okay, it's time to go arrest
8 him?

9 MR. ROOMBERG: The sending of the bomb-making
10 instructions to France.

11 THE COURT: Okay.

12 MR. ROOMBERG: At that point the decision was made to
13 charge both the defendants with conspiracy.

14 THE COURT: And do you know how -- thank you. Do you
15 know how long Mr. Matthews was engaged in this kind of activity
16 or conduct?

17 MR. ROOMBERG: Two years. Yeah, approximately two
18 years.

19 THE COURT: Two years.

20 MR. ROOMBERG: Two years.

21 THE COURT: Well, he did a lot in two years. And the
22 only reason we can surmise that there was no actual injury to a
23 person or property is that they were arrested.

24 MR. ROOMBERG: The information was passed on to the
25 French authorities.

1 THE COURT: M-hm. Okay. But nothing occurred here
2 in our country?

3 MR. ROOMBERG: That is --

4 THE COURT: Oh --

5 MR. ROOMBERG: No, there were no attacks that were
6 actually carried out in our country. There was bomb-making
7 instructions sent throughout country.

8 THE COURT: Okay.

9 MR. ROOMBERG: There was discussion about attacks
10 primarily between the two defendants that are here, Mr.
11 Matthews and Mr. Molina. And that was all in the United
12 States.

13 THE COURT: Okay. Then -- and you're asking -- the
14 government is asking for 240 months. Is this correct?

15 MR. ROOMBERG: Yes, Your Honor. We believe that in
16 this case that would be appropriate for the particular acts the
17 defendant did and for both the specific and general deterrence
18 for people participating in this type of --

19 THE COURT: M-hm.

20 MR. ROOMBERG: -- criminal and terroristic activity.

21 THE COURT: So it's just not a thinking process that
22 these people went through.

23 MR. ROOMBERG: That's correct, Your Honor. They took
24 action.

25 THE COURT: And but they being arrested when they

1 were arrested, significant attacks would have occurred?

2 MR. ROOMBERG: We believe they were in the planning
3 stages. They had discussions about --

4 THE COURT: And the government can't wait. The
5 public can't wait until something happened.

6 MR. ROOMBERG: We try not to.

7 THE COURT: Right.

8 MR. ROOMBERG: If an attack happens, then we've
9 already --

10 THE COURT: Okay. All right. Mr. Wolf, do you wish
11 your client to speak first or do you want to speak first?

12 MR. WOLF: Let me proceed, Judge. I'll go first.

13 THE COURT: Okay.

14 MR. WOLF: Judge, when I first got appointed on this
15 case, this is the first terrorism case that I've been appointed
16 on that I handled. And when I saw that it involved ISIS, I
17 questioned my ability to handle this case, me being Jewish.
18 And I had to search myself to see if I should ask to recuse
19 myself from this case. But I decided that I could go beyond
20 that and adequately represent Mr. Matthews.

21 As I got into this case, I learned a lot about
22 algorithms. And I never really thought that much about them.
23 I started listening to music on Pandora. I like show tunes. I
24 like -- I would listen to My Fair Lady or Camelot. But then
25 they would send me other suggestions for other shows, Carousel

1 or what have you. And I never thought much of it because these
2 are things that I enjoyed. And the same thing happens when we
3 go on websites like Amazon, and we order a book. And they'll
4 send us notices saying, hey, how about this book. You were
5 interested in this one. What about this one? And then, you
6 know, I continued to think about it. And I would go on the
7 internet, and I would Google something. And, again, based on
8 what I looked into, I'll get things back from them. So, you
9 know, we have heard about TikTok and what's going on with young
10 girls and all that. It's really a devious situation, what's
11 going on, on the internet.

12 Well, as I said, I was concerned about prejudice. My
13 prejudice. I lived through 9/11. I watched those twin towers
14 get hit. I was affected by those. But that holds true, you
15 know, in our society whether it's Islama phobia or antisemitism
16 or any Latin or any Asian or xenophobia. We have to deal with
17 these baseless prejudices that we all hold and go beyond them.
18 My approach to this case was to learn as much as I could about
19 Kristopher. And, fortunately, I was able to get information
20 from his grandmother who lives in South Carolina. She's ill.
21 She is not well. But she had access to family items, and I
22 tried to share those things with the court in my memorandum.
23 And I wanted to be able to know who Kristopher Matthews was and
24 who Kristopher Mr. Matthews is.

25 And as I set forth in my pleadings, Kristopher got

1 sucked into a rabbit hole, unfortunately, based on his
2 background. And the good part of all of this was when an agent
3 up in Minnesota tried to get him to turn on U.S. citizens, he
4 said, well, I can't do that. That's against my principles.
5 And because of that, because of that, he woke up. He woke up.
6 He realized that this ISIS business was wrong.

7 THE COURT: When did he realize that?

8 MR. WOLF: When -- when was that when you were
9 Minnesota?

10 DEFENDANT MATTHEWS: I would have to guess -- I would
11 say maybe a few months.

12 THE COURT: Before he was arrested.

13 MR. WOLF: Oh, yeah, it was before he was arrested.

14 THE COURT: Yeah, I figure if a federal agent comes
15 to your door knocking, you have to think, wait a minute. It
16 doesn't sound like this is a good deal.

17 MR. WOLF: Right.

18 THE COURT: Go ahead.

19 MR. WOLF: So anyway at that point he decided that
20 this is wrong.

21 THE COURT: What choice did he have at that point?

22 MR. WOLF: Well, he had to deal with it morally,
23 internally, where he's going to go with this.

24 THE COURT: Right.

25 MR. WOLF: And I got involved in this after he was

1 arrested in Tennessee.

2 THE COURT: Tennessee.

3 MR. WOLF: And the process began in Tennessee. And
4 from -- or before I got involved in the case, Kristopher was
5 reaching out.

6 THE COURT: M-hm.

7 MR. ROOMBERG: Your Honor, may I have a word with
8 Mr. Wolf, please?

9 THE COURT: With who?

10 MR. ROOMBERG: With counsel.

11 THE COURT: Yes.

12 (Attorneys discuss Off-the-record.)

13 MR. WOLF: So since that time, you know exactly what
14 I'm talking about, and Kristopher is back to square one in
15 terms of his moral compass, and he knows exactly where he is
16 and where he wants to go. And you've got documentation to that
17 both from him and his grandmother and other folks. I know the
18 sentencing guidelines and goals are where they are. But this
19 statute, you know, came into play on the heels of 9/11. It
20 wasn't vetted the way it should be. I set all that out in my
21 memo.

22 So I think I've given the court enough fodder to vary
23 or depart from those 240 months. I think in the bottom -- the
24 end of my sentencing memo, I left out the word "more" on page
25 23. I meant to say no more than. Not more than. But no more

1 than.

2 THE COURT: Right.

3 MR. ROOMBERG: And I -- it's in your hands. You have
4 all the information in front of you, Judge. And I'd ask that
5 you -- I was hoping that the government would step forward
6 earlier. But they haven't. There's nothing to say they will.
7 But there's a hope. And but you can do something at this
8 point, as you know. As far as where he would like to be
9 housed, he would like to go back to the east cost in South
10 Carolina close to his grandmother so she could see him. I
11 understand there's a facility in Edgefield in South Carolina.

12 THE COURT: M-hm.

13 MR. WOLF: There's another facility in Butner in
14 North Carolina, which is not far from --

15 THE COURT: Either Carolina.

16 MR. WOLF: Yes, yes.

17 THE COURT: Okay.

18 MR. WOLF: And with that, Judge, I'll turn it over to
19 Mr. Matthews.

20 THE COURT: Okay. Mr. Matthews.

21 DEFENDANT MATTHEWS: Yes, sir. How are you doing,
22 Your Honor?

23 THE COURT: I'm sorry.

24 DEFENDANT MATTHEWS: Yes, sir, how are you doing?

25 THE COURT: How am I doing?

1 DEFENDANT MATTHEWS: Yes, sir.

2 THE COURT: Ask me around 3:30. It's too early in
3 the day. Go ahead.

4 DEFENDANT MATTHEWS: Yes, sir. I would like to say,
5 Your Honor -- Your Honor, I have a lot to say. But I'm going
6 to make this real briefly as possible.

7 THE COURT: No, no. That's why they give us life
8 tenure. Go ahead.

9 DEFENDANT MATTHEWS: You know, I planned this for a
10 long time, what I'm going to say, how I'm going to approach
11 this situation.

12 THE COURT: You're going to do what?

13 DEFENDANT MATTHEWS: You know, I spent a long time
14 deciphering in my mind how I would approach this situation with
15 you concerning this case of mine and how important you are in
16 this situation or in my life. I'll try to be brief with
17 everything I touch on. And as far as Mr. Wolf was saying, you
18 know -- you know -- and Mr. Roomberg. And I know his job. And
19 it's nothing personal. I know his job is to, you know, get the
20 maximum prosecution and conviction. I understand his status.
21 However, there was a little holes in some of his story, which,
22 you know, I was patient to wait to talk to you about as far as
23 attacks. There were no specific planned attacks against any
24 American citizens in the United States. Specifically, I didn't
25 want to bring up who, but since Mr. Wolf kind of brought it up,

1 we were -- you know, we had agents on our case, not Ms. Shannon
2 or nobody. And I hold the highest regard for Ms. Shannon and
3 Mr. Mark who I've got to know a lot personally. We were
4 coerced to make attacks. And I brought that to their attention
5 in the beginning.

6 THE COURT: Who coerced you?

7 DEFENDANT MATTHEWS: The agents that were on our case
8 that were posing as Muslim. They -- we were coerced to make
9 attacks, and I specifically denied on trying to make any
10 specific attacks in the United States. And that my goal was to
11 travel to Syria. I had no intentions of making any blatant
12 attacks against any innocent person in the country that I was
13 born in, Your Honor, so I just want to make that clear to you.

14 I got sucked into the Islamic state by a group of
15 individuals. In the beginning it was just about seeking
16 religious knowledge. During the course of seeking the
17 religious knowledge, we were brought about of the atrocities
18 that were happening around the world to the Muslims,
19 particularly innocent Muslims who had no involvement of
20 fighting militarily speaking, particularly children and places
21 such as Syria with a Syrian ruler who has systematically bombed
22 children daily and has left the country in one of the worst
23 displacements on the face of the earth, which is Syrian and
24 plus people that are displaced and are now refugees, many of
25 them women and children. And I was shown videos of children

1 being bombed and attacked.

2 THE COURT: Let me ask you something.

3 DEFENDANT MATTHEWS: Yes, sir.

4 THE COURT: Who was being bombed?

5 DEFENDANT MATTHEWS: The children in Syria.

6 THE COURT: M-hm.

7 DEFENDANT MATTHEWS: Yes, sir.

8 THE COURT: And, yeah, that's -- I haven't finished.
9 Those were all commas.

10 DEFENDANT MATTHEWS: Yes, sir.

11 THE COURT: Okay. Go ahead.

12 DEFENDANT MATTHEWS: Yes, sir. So just and, you
13 know, I'm a very passionate person. I have --

14 THE COURT: You're what?

15 DEFENDANT MATTHEWS: Passionate. And I have a lot of
16 compassion. So when I was shown those images, you know, it
17 broke my heart.

18 THE COURT: M-hm.

19 DEFENDANT MATTHEWS: And I naturally -- I was angry.
20 I felt like that the world had turned a blind eye to what was
21 happening to those children overseas. And I engaged in a
22 selfless pursuit to go and try to go to Syria to try to defend
23 those people that were being attacked. And I got sucked into
24 the ISIS --

25 THE COURT: Why would you want to plant -- plant

1 bombs and all those things here in the United States?

2 DEFENDANT MATTHEWS: Oh, well, that's the thing, Your
3 Honor. We never planned on planting any bombs in any malls or
4 anything. We never -- we never did any of those things. No,
5 sir.

6 THE COURT: All right. Go ahead.

7 DEFENDANT MATTHEWS: So, you know, so on and so forth
8 in the videos and stuff. That's, you know, I started going
9 down the path of what -- extremism. It wasn't towards -- right
10 before my arrest that -- and so just also to correct
11 Mr. Roomberg, it wasn't two years that I was into this
12 ideology. It was one year. And during the course of -- right
13 before my -- well, I would say maybe a little over a year, not
14 two years. A little over a year. So before my arrest, I met a
15 sister who was telling me about -- well, she was actually a
16 prisoner in Syria. And she made it back to her home country.
17 And she was telling me about the corruption in the Islamic
18 state and different things that were taking place. And so I
19 took the initiative to speak up against certain ideologies with
20 the group I was with. I started bringing issues up that I was
21 concerned about. And in other words, me -- I'm like you, Your
22 Honor. I want the truth. I'm sure you spent your whole life
23 persevering to be a judge because you want justice and you want
24 the truth of people, so that's the same thing I was seeking.
25 So if I felt like something was wrong, I started questioning

1 things. That's always how I was growing up. I would question
2 things, if something didn't seem right.

3 So -- and during my arrest I said, you know what, I
4 felt like this was a testimony for God to -- for me to wake up
5 out of what I was going through. You know, I spent a lot of my
6 life, you know, going down the wrong path, being involved with
7 the wrong people. Gang life. Substance abuse. I didn't have
8 much role models -- excuse me, so I felt like God was the
9 answer for me to bring me out of the darkness that I was in
10 growing up. And a lot of the things I went through to my
11 family and so on and so forth. So, yes, Your Honor, you know,
12 I made mistakes. I have totally denounced the Islamic state.
13 I have realized that I'm in a selfless pursuit to, you know,
14 help people now. I said, well, you know, I used to ask myself,
15 I said, well, you know, I was going through things, substance
16 abuse, family problems. I said, well, you know, why is God
17 allowing me to go through these things? So I was like, now,
18 it's like I realize it now, so that all the atrocities that I
19 went through personally in my life, now I can give back. I can
20 give back to people. So I can, you know, help people from not
21 going down the same road I went down or making the same
22 mistakes that I made. I have made a pledge to be a
23 motivational speaker upon my release out of imprisonment to
24 help non-Muslims and Muslims alike from anywhere from getting
25 away from gang life, substance abuse, Muslims who may become

1 radicalized or going down an extreme path. I have tookeen (sic)
2 all those things into consideration. I said, well, you know,
3 that's how I can help people get back.

4 Also, Your Honor, I wanted to say that I didn't want
5 to waste my time in Karnes so.

6 THE COURT: Waste your time where?

7 PROBATION OFFICER: In Karnes.

8 THE COURT: What's wrong with Karnes? It's a good
9 county.

10 DEFENDANT MATTHEWS: Well, it's a good county. But,
11 you know, a lot of the guys there waste their time. And, you
12 know, we had access to programs.

13 THE COURT: M-hm.

14 DEFENDANT MATTHEWS: So I took the initiative to take
15 numerous programs.

16 THE COURT: Okay.

17 DEFENDANT MATTHEWS: That has actually, you know,
18 really helped me a lot. So, you know, a lot of facilities have
19 the term corrections. Well, a lot of prisoners need to
20 understand that the term correction is something where when
21 you're in prison you should take the initiative and the
22 opportunity to rehabilitate yourself in whatever area you need
23 to rehabilitate yourself in. And so I took that initiative to
24 take those programs to help myself as much as possible and not
25 waste idle time. And as the saying goes, idle hands is the

1 devil's playground. So I was in constant pursuit to change my
2 attitude. Change my thinking. My grandmother said, you know,
3 she said, my attitude hasn't been this great since God knows
4 when. You know, I asked her yesterday or the other day I said,
5 I said, well, how would you rate my attitude? I said one to
6 ten. She said, well, definitely a ten. She said you talk to
7 me a lot more now. You're not distant from me. And I said,
8 you know, those things really, really put a smile on my face.
9 My grandmother, she needs a lot of help. My son needs a lot of
10 help. So, you know, and in my selfless pursuit, I know now
11 it's not about me. It's about giving back, giving back to my
12 community. Giving back to the country I was born in. And most
13 importantly giving back to myself. I owe myself a lot of work
14 to do as far as self-development because for many years I sold
15 myself short in different ways.

16 Even in this situation, getting caught up in this
17 situation, I was, you know, going down, which I was led to
18 believe was -- you know, I was a, you know, hero. I had a
19 chance to be a hero. It's like, well, now I come to find out
20 I'm back down a dark road. So now I'm out those dark roads.
21 Now I'm back in the sunlight. The program that stuck to me the
22 most in the -- in Karnes that I was taking up was the peace
23 program. And it says what is peace? It says peace is the
24 ability to live in harmony with mankind. Peace is tranquility
25 in the mind. Peace is harmony in the heart. Peace is to be

1 merciful and to social shift sincere compassion. Peace is
2 God's greatest attribute. The beneficent, the merciful. In
3 order to achieve peace one must start within. And it is within
4 us that we obtain this most beautiful gift that he gives inside
5 us all. And if we only open our eyes, I'd choose the path of
6 peace, and I'd choose the path of God.

7 So, Your Honor, the peace program was very, very good
8 to me. I took about 40 programs. Also, Your Honor, I was
9 watching court cam TV, and there was a South Carolina judge and
10 he was giving the sentence.

11 THE COURT: A what now?

12 DEFENDANT MATTHEWS: Court cam TV.

13 THE COURT: Okay. What about it?

14 DEFENDANT MATTHEWS: Yes, sir. And I was talking --
15 -- I'm sorry, and the judge was talking to the defendant. And,
16 well, the whole court, and he says -- he said, it's easy to
17 give the man the max. But to give someone a second chance is
18 our own reflection on mercy that all human beings should have
19 despite our faults and mistakes. So just because we fall down
20 in life and stumble, and it could be a lot of times that we
21 fall down, it doesn't mean we're lost forever. As long as
22 we're alive and we're breathing, there's always hope. And a
23 messenger of God, he stated that, you know, if we want to have
24 mercy in our lives, if we want God to have mercy in our lives,
25 we got to first display mercy to others. So I ask you, Your

1 Honor, today to for my sake and your sake and -- or for God's
2 sake to open your heart and have mercy and be willing to give
3 me a second chance, Your Honor.

4 THE COURT: M-hm.

5 DEFENDANT MATTHEWS: Yes, sir.

6 THE COURT: All right. So let me ask you.

7 MR. ROOMBERG: Your Honor.

8 THE COURT: You said everything you wanted to say?

9 DEFENDANT MATTHEWS: Yes, sir.

10 THE COURT: Okay. Mr. Roomberg.

11 MR. ROOMBERG: Your Honor, a couple of things.

12 First, this statement about being approached by an FBI agent in
13 Minnesota. None of the case agents know about it. They've
14 just queried the original case agent from South Carolina. They
15 never heard about that either.

16 THE COURT: All right.

17 MR. ROOMBERG: But more importantly, while I
18 appreciate Mr. Matthews correcting me on him not wanting to
19 plan attacks, when we read the factual basis that he signed,
20 when he talks about where he admitted to discussions on
21 May 25th, 2020 where he himself stated a preference for hitting
22 government buildings or places of interest, like economic
23 centers, like the stock market or CIA headquarters or attacking
24 FBI or DEA headquarters. I would hit places like to send a
25 message. Another one. He offered other possible locations such

1 as state buildings, social security buildings, the stock market
2 or Trump Tower in New York. He then mentions about they could
3 also do sniper attacks and discussed the Washington, D.C.
4 sniper attacks from the past.

5 THE COURT: M-hm.

6 MR. ROOMBERG: And while he says at some point they
7 do want to go overseas to fight for ISIS, he says if that
8 doesn't work out, we'll come back and do it in the Homeland.
9 So this is in the factual basis. So while I appreciate his
10 correction, clearly they discuss planning attacks in the United
11 States. They did send bomb-making materials. There's no basis
12 to go below the 240. We understand it's certainly within the
13 court's power to do so.

14 THE COURT: All right. Mr. Wolf, do you wish to say
15 anything now that you have heard the prosecutor mention a few
16 other things? Do you -- you don't have to. I'm just saying do
17 you want to say anything. And I'll ask you Mr. Matthews in a
18 moment. Mr. Wolf.

19 MR. WOLF: I'm just going to leave it as it is,
20 Judge. I'll just leave it.

21 THE COURT: Okay. Mr. Matthews.

22 DEFENDANT MATTHEWS: Yes, sir. Mr. Garcia,
23 Mr. Roomberg is correct. I did sign these papers in the
24 beginning.

25 THE COURT: And it's not Mister. It's Judge.

1 DEFENDANT MATTHEWS: Judge. Yes, sir. Yes, sir.

2 THE COURT: You can call me other things.

3 DEFENDANT MATTHEWS: Pardon me. Yes, sir. But,
4 yeah, Mr. Roomberg, he's correct. I did sign those papers.
5 However, I was in the process of reaching out to cooperate with
6 these agents next to us. Ms. Shannon and Mr. Mark. When they
7 brought -- when the officers brought those --

8 THE COURT: You're saying before you were apprehended
9 or after you were apprehended?

10 DEFENDANT MATTHEWS: After. Yes, sir.

11 THE COURT: M-hm. Go ahead.

12 DEFENDANT MATTHEWS: And, you know, the way they went
13 about bringing those -- and I mentioned it to Mr. Wolf, the way
14 they brought those papers into our dorm and -- you know, I
15 wasn't in PC or, you know, I was in the general population tank
16 where my safety was at jeopardy. So they brought in the
17 paperwork in front of everybody. I had not time to look over
18 it or anything. You know, I got all these prisoners, you know,
19 around me. And right there by the microwave, just right there
20 about you by the door. I remember it like it was yesterday.
21 And I had no choice but to sign right there because they would
22 note taking me to a legal building where I can sign in peace
23 and look over everything, to dispute anything.

24 THE COURT: Well, do you dispute anything now, now,
25 that you know.

1 DEFENDANT MATTHEWS: Oh, yes, sir. He's insinuating
2 that we were planning attacks, and we said specifically we
3 didn't want -- what she is not mentioning, which they have it.
4 They have the information.

5 THE COURT: You mean you were not planning all these
6 horrific things or even one of them?

7 DEFENDANT MATTHEWS: We were not planning any
8 attacks.

9 THE COURT: What, did y'all get together and talk
10 shop?

11 DEFENDANT MATTHEWS: And just talk shop, Your Honor.

12 THE COURT: I'm going to ask you something.

13 DEFENDANT MATTHEWS: Yes, sir.

14 THE COURT: You're 34 or 35, right?

15 DEFENDANT MATTHEWS: Thirty-six. Yes, sir.

16 THE COURT: Why couldn't you have done other things
17 like you want to help children either in Syria or here.

18 DEFENDANT MATTHEWS: Yes, sir.

19 THE COURT: Help them. You could have done any
20 number of things instead of engaging in this horrific nonsense.
21 You understand it's nonsense. Right?

22 DEFENDANT MATTHEWS: I was a knucklehead, Your Honor.
23 Yes, sir.

24 THE COURT: I'm not saying knucklehead.

25 DEFENDANT MATTHEWS: Yes, sir. It was nonsense.

1 Yes, sir.

2 THE COURT: With deadly consequences sometimes. And
3 there was no deadly consequences in this case.

4 DEFENDANT MATTHEWS: Yes, sir.

5 THE COURT: Only because you were arrested.

6 DEFENDANT MATTHEWS: Yes, sir.

7 THE COURT: Are we to assume that if you had not been
8 arrested, that you would have just been talking and speaking
9 like this, and you would have never planted a bomb? You would
10 have never killed someone.

11 DEFENDANT MATTHEWS: Well, Judge Garcia, the fact
12 that right before I was arrested I was starting to have a
13 change of heart, and I was already disputing what these people
14 I was with. I was already coming out of that path.

15 THE COURT: Okay. Fine.

16 DEFENDANT MATTHEWS: Yes, sir.

17 THE COURT: But couldn't you have done other things?

18 DEFENDANT MATTHEWS: Yes, sir.

19 THE COURT: More valuable, more helpful to a
20 community like in this town in this city?

21 DEFENDANT MATTHEWS: Yes, sir.

22 THE COURT: There's many, many needs.

23 DEFENDANT MATTHEWS: I understand.

24 THE COURT: Now, you grew up in South Carolina,
25 right?

1 DEFENDANT MATTHEWS: Yes, sir.

2 THE COURT: Okay. There's needs everywhere.

3 DEFENDANT MATTHEWS: Yes, sir.

4 THE COURT: Now, let me ask you. How were you
5 employed prior either to engaging in this nonsense or after?
6 How were you employed during the time you were involved with
7 this horrific nonsense?

8 DEFENDANT MATTHEWS: Employment, you said.

9 THE COURT: Yeah.

10 DEFENDANT MATTHEWS: Oh, I was working for a moving
11 company.

12 THE COURT: And did your employer know that you
13 dabbled in all of this stuff?

14 DEFENDANT MATTHEWS: No, sir. I kept everything
15 hidden.

16 THE COURT: M-hm.

17 DEFENDANT MATTHEWS: Yes, sir.

18 THE COURT: And how many hours did you work a week?

19 DEFENDANT MATTHEWS: I would say roughly maybe just
20 typical.

21 THE COURT: Forty.

22 DEFENDANT MATTHEWS: Forty. Yes, sir.

23 THE COURT: So assuming you worked the 40 hours and
24 did nothing to aid and abet this nonsense, that left you a --
25 very few hours. You got to sleep. You got to eat. So when

1 did you have time to engage in this nonsense?

2 DEFENDANT MATTHEWS: I guess traveling. We travel
3 state to state. I guess during the course of travel.

4 THE COURT: To do what? You travel to do what?

5 DEFENDANT MATTHEWS: We did long haul moving company
6 through the moving company state to state.

7 THE COURT: I just don't understand --

8 DEFENDANT MATTHEWS: Yes, sir.

9 THE COURT: -- how you could have occupied your time.

10 DEFENDANT MATTHEWS: Yes, sir.

11 THE COURT: More importantly for so many needs in
12 this city, in any city.

13 MR. WOLF: And, Your Honor.

14 THE COURT: So many needs.

15 DEFENDANT MATTHEWS: Yes, sir.

16 THE COURT: I don't get it.

17 DEFENDANT MATTHEWS: You're absolutely correct, Your
18 Honor.

19 THE COURT: And another thing.

20 DEFENDANT MATTHEWS: Yes, sir.

21 THE COURT: I didn't hear during your soliloquy or
22 allocution--

23 DEFENDANT MATTHEWS: Yes, sir.

24 THE COURT: -- which was almost 21 minutes.

25 DEFENDANT MATTHEWS: Yes, sir.

1 THE COURT: There was no hint of remorsefulness?

2 DEFENDANT MATTHEWS: Yes, sir.

3 THE COURT: None. None.

4 DEFENDANT MATTHEWS: I take full responsibility, Your
5 Honor.

6 THE COURT: Are you kidding me? None. Now, I did
7 listen to you.

8 DEFENDANT MATTHEWS: Yes, sir.

9 THE COURT: I never stopped you.

10 DEFENDANT MATTHEWS: Yes, sir.

11 THE COURT: In fact, I've asked you to -- if you
12 wanted some more time, and you took a little time. But I heard
13 no remorsefulness. No apology to the country.

14 DEFENDANT MATTHEWS: Well.

15 THE COURT: None. Zero.

16 DEFENDANT MATTHEWS: Yes, sir.

17 MR. WOLF: Just wait till he finishes.

18 THE COURT: I guess you didn't take that training
19 class in Karnes. Go ahead.

20 DEFENDANT MATTHEWS: Yes, sir. No, let me say I did
21 leave that out. And I told myself, you know, that's the first
22 thing I would say, but I kind of got a little sidetracked. I
23 have total remorse for my actions, Your Honor.

24 THE COURT: Well, I'm glad to hear it.

25 DEFENDANT MATTHEWS: Yes, sir. And that's why I

1 brought up the fact that, you know, I want to give back to my
2 community and country because I want to take responsibility for
3 my actions and become the man that my son needs me to be and my
4 grandmother wants me to be. So I am extremely remorseful for
5 my actions. It's very shameful for the things that I was
6 engaged in. I'm actually ashamed of the things I was engaged
7 in. I know my mother doesn't really understand a lot, so she
8 doesn't talk about it. But if she did, I would tell her just
9 like I told you, the truth. And no matter how shameful it is,
10 the truth is the truth. And I'm absolutely remorseful for all
11 my actions, Your Honor. Yes, sir.

12 THE COURT: Is that it?

13 DEFENDANT MATTHEWS: Yes, sir.

14 THE COURT: Okay. The court has considered the
15 guidelines in an advisory capacity. And pursuant to the
16 Sentencing Reform Act, the policy statements, including grounds
17 for departure, U.S. versus Booker and Gall versus U.S. and
18 reviewing the 18 USC 3553 factors, has considered the
19 guidelines as an initial benchmark and frame of reference. And
20 finds that the guideline range is appropriate in this case and
21 sentences Kristopher Sean Matthews to the custody of the Bureau
22 of Prisons for 20 years or 240 months.

23 The court considers the 240-month sentence, which is
24 within the guideline, as sufficient to address the sentencing
25 objectives and punishment and general deterrence -- it is

1 ordered defendant shall pay the special assessment of the
2 \$100 -- don't worry about the \$100.

3 The defendant shall notify the U.S. attorney in this
4 district or in the district he resides, 30 days of any change
5 of address that occurs while the portion of the sum. There's
6 no fine imposed given that you're not able to pay a fine.

7 Upon release from imprisonment, the defendant shall
8 be placed on supervised release for a term of three years,
9 which is totally inadequate. But I can't do more than three
10 years. While on supervised release, the defendant shall comply
11 with the mandatory and standard conditions issued by this court
12 on November 28, 2016.

13 In addition, the defendant shall also comply with the
14 following special conditions. And let me read them into the
15 record. And, Mr. Matthews, if anyone -- if you don't clearly
16 understand any of these, please tell me.

17 One: The defendant shall participate in a substance
18 abuse treatment program and follow the rules and regulations of
19 that program. The program may include testing and examination
20 during and after the program completion to determine if the
21 defendant has reverted to the use of drugs. The probation
22 officer shall supervise the participation in the program.

23 During treatment, defendant shall abstain from use of
24 alcohol and any and all intoxicants. Defendant shall pay for
25 these services, if financially able to do so.

1 The defendant shall submit to substance abuse testing
2 to determine if the defendant has used a prohibited substance.
3 The defendant shall not attempt to obstruct or tamper with the
4 testing methods. The defendant shall pay the costs of testing,
5 if financially able to do so.

6 Next: The defendant shall not communicate or
7 otherwise interact with any known member of the Gangster
8 Disciples Gang. I'm not even going to ask what it is.

9 Next: The defendant shall submit his person,
10 property, house, residence, vehicle, papers, electronic
11 devices, computer, his office to a search conducted by a U.S.
12 probation officer.

13 Failure to submit to a search may be grounds for
14 revocation of release. The defendant shall warn any other
15 occupant that the premises may be subject to searches pursuant
16 to this condition.

17 The probation officer may conduct a search under this
18 condition only when reasonable suspicion exists and that the
19 defendant has violated a condition of supervision and the areas
20 to be searched contain evidence of this violation.

21 Any search shall be conducted at a reasonable time
22 and reasonable manner -- actually, that doesn't even make
23 sense.

24 DEFENDANT MATTHEWS: No, sir.

25 THE COURT: I mean, everybody knows the FBI goes

1 knocking on doors at 6:30 in the morning. Okay. Fine.

2 The defendant shall participate in a mental health
3 treatment program and follow the rules and regulations of that
4 program. The probation officer in consultation with the
5 treatment provider shall supervise participation in the
6 program, that is, the provider, location, modality, duration
7 and intensity.

8 Defendant shall pay the costs of these -- of this
9 treatment, if financially able to do so. The defendant shall
10 take all mental health medications that are prescribed by the
11 treating physician. Defendant shall participate in an
12 educational service program and follow the rules and
13 regulations of the program. Such programs may include high
14 school equivalency preparation. English as a second language.
15 Classes or other classes designed to improve defendant's
16 proficiency in the skills such as reading, writing,
17 mathematics, or computer use.

18 Defendant shall pay for these services, if
19 financially able to do so. Finally, the defendant shall
20 participate in a vocational service program and follow the
21 rules and regulations of that program. Such a program may
22 include job readiness training and skills development training.
23 The defendant shall pay for these services, if financially able
24 to do so.

25 The court has accepted the plea agreement. It is

1 satisfied that the agreement adequately reflects the
2 seriousness of actual offense behavior and that the acceptance
3 of plea agreement will not undermine the statutory purpose of
4 sentencing. The court advises defendant that he has a right to
5 appeal this sentence imposed in this case, unless as part of a
6 plea agreement he has waived that right.

7 The court will order this presentence report be
8 sealed. Made part of the record. Should the application of
9 the guidelines be appealed, the presentence report will be
10 available for review for appellate purposes any -- if any.

11 Mr. Roomberg, anything to add?

12 MR. ROOMBERG: Yes, Your Honor. We would move to
13 dismiss Count Two at this time.

14 THE COURT: Okay. Anything else?

15 MR. ROOMBERG: No, sir. Thank you.

16 THE COURT: Mr. Wolf, anything on your behalf or your
17 client's behalf?

18 MR. WOLF: Judge, in light of his grandfather's
19 death, Mr. Matthews never really had grief counseling. And it
20 still upsets him to this day. We'd ask that that be included,
21 that form of counseling be included.

22 THE COURT: Yes, of course. And hopefully the
23 facility he ends up at may have that kind of counseling. It
24 might be that involved. Mr. Matthews, have you understood
25 everything here today?

1 DEFENDANT MATTHEWS: Yes, sir.

2 THE COURT: Okay. Good. We're going to take a five
3 or ten-minute recess.

4 THE COURT SECURITY OFFICER: All rise.

5 (Adjournment.)
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1 UNITED STATES DISTRICT COURT)

2 WESTERN DISTRICT OF TEXAS)

3 I certify that the foregoing is a correct transcript
4 from the record of proceedings in the above-entitled matter.

5 I further certify that the transcript fees and format
6 comply with those prescribed by the Court and the Judicial
7 Conference of the United States.

8 Date signed: September 8, 2022.

9 /s/ Leticia Lucia Ornelas

10 United States Court Reporter
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